



February 19, 1993

US EPA RECORDS CENTER REGION 5



473888

Recycling and  
waste disposal

Mr. Bernie Schorle  
USEPA  
77 W. Jackson Blvd.  
Chicago, IL 60604

Dear Bernie:

I enclose copies of four separate notices which we propose to record in the local real estate records in accordance with the Consent Decree for Pagel's Landfill. The notices are:

4920 Forest  
Hills Road  
Loves Park  
Illinois 61111

Deed Restriction (pg. 29 of Decree);  
Notice of Decree (pg 13 of Decree);  
Notice of Access (pg 13 of Decree);  
Notice Regarding Hazardous Substances (pg 29 of Decree)

With the exception of the Deed Restriction (which is in a form specified in the Decree), each of the notices is to be approved by USEPA prior to recording. Would you let me know if these forms are acceptable.

Thank you very much.

P.O. Box 2071  
Loves Park  
Illinois 61130

Very truly yours,

A handwritten signature in dark ink, appearing to read "John Holmstrom III".

John Holmstrom III  
Winnebago Reclamation Service, Inc.

JH/cc

## **DEED RESTRICTION**

Winnebago Reclamation Service, Inc., owner in fee simple of the real estate described below, hereby imposes restrictions on the real estate ("Pagel's Pit Landfill Operable Unit No. 1"), located in Township 43 North, Winnebago County, State of Illinois, and more fully described in Attachment 1 to this Appendix.

### **Purpose**

For the purpose of protecting human health and the environment and preventing interference with remedial action and maintenance work at the Pagel's Pit Facility, the following restrictions are imposed on the Pagel's Pit Landfill Operable Unit No. 1, its present and any future owners, and their authorized agents, assigns, employees or persons acting under their direction or control.

### **Terms**

1. Except as required under the terms of the Consent Decree, no production wells shall be installed in or draw upon the upper aquifer underlying the Pagel's Pit Landfill Operable Unit No. 1. Water from the upper aquifer shall not be used as a drinking water source nor shall it be used in such a manner as to cause exposure to people or animals. If the present or future owners can demonstrate to the United States Environmental Protection Agency's ("U.S. EPA") satisfaction that the groundwater in the upper aquifer underlying the Pagel's Pit Landfill Operable Unit No. 1 is not a threat to human health or the environment, this restriction may be lifted by petitioning U.S. EPA.
2. There shall be no residential use of the Pagel's Pit Landfill Operable Unit No. 1.
3. Any agricultural use of the Pagel's Pit Landfill Operable Unit No. 1 must be approved by U.S. EPA.
4. Any installation, removal or construction of any buildings, wells, pipes, roads, ditches or any other structures must be approved by U.S. EPA. U.S. EPA shall not approve any such action which will impair or defeat any remedial measures or the maintenance of remedial measures at the property.

5. Unless authorized by U.S. EPA, no one shall tamper with or remove any containment or monitoring systems or any components of the remedial action on the Pagel's Pit Landfill Operable Unit No. 1.

6. There shall be no interference with the performance of the work or remedial action, or with the maintenance of remedial measures approved by U.S. EPA and/or the United States District Court for the Northern District of Illinois.

All of the above restrictions shall run with the land and continue in perpetuity. None of these restrictions shall prohibit Winnebago Reclamation Service, Inc. or its successors or assigns from conducting landfilling and related operations under the terms of the present permits issued by the State of Illinois.

In Witness Whereof, Winnebago Reclamation Service, Inc. has caused these Deed Restrictions to be executed this \_\_\_\_\_ day of \_\_\_\_\_, 1993.

Winnebago Reclamation Service, Inc.

By \_\_\_\_\_

Attest:

\_\_\_\_\_

STATE OF ILLINOIS  
County of Winnebago

This instrument was acknowledged before me on \_\_\_\_\_  
by \_\_\_\_\_ and \_\_\_\_\_ as  
the \_\_\_\_\_ and \_\_\_\_\_ of  
Winnebago Reclamation Service, Inc.

\_\_\_\_\_  
Notary Public

## DEED RESTRICTION

### Attachment 1: Legal Description

Part of the East Half (1/2) of Section Thirty-six (36), Township Forty-three (43) North, Range One (1) East of the Third (3rd) Principal Meridian and part of the West Half (1/2) of Section Thirty-one (31), Township Forty-three (43) North, Range Two (2) East of the Third (3rd) Principal Meridian, bounded and described as follows: Beginning at the southwest corner of the East Half of the Northeast Quarter of Section 36, Township 43 North, Range 1 East of the 3rd Principal Meridian; thence North 00 degrees 58 minutes 29 seconds West, along the west line of the East Half of the said Northeast Quarter, a distance of 731.70 feet; thence North 89 degrees 12 minutes 41 seconds East 1537.48 feet to the centerline of Lindenwood Road (County Highway 11A); thence southeasterly, along a non-tangent curve to the left having a center which lies 716.14 feet to the northeast, an arc distance of 111.37 feet (the chord across the previously described circular curve course bears South 47 degrees 50 minutes 59 seconds East 111.26 feet); thence South 52 degrees 18 minutes 16 seconds East, along said centerline, 383.27 feet; thence southeasterly, along said centerline and along a tangential curve to the right having a center which lies 955.00 feet to the southwest, an arc distance of 856.45 feet (the chord across the previously described circular curve course bears South 26 degrees 36 minutes 46 seconds East 828.04); thence South 00 degrees 55 minutes 16 seconds East, along said centerline, 83.52 feet; thence South 69 degrees 32 minutes 02 seconds West 1401.38 feet; thence South 00 degrees 00 minutes 00 seconds East 305.00 feet; thence South 90 degrees 00 minutes 00 seconds West 950.00 feet to the west line of the East Half of the Southeast Quarter of Section 36, Township 43 North, Range 1 East of the 3rd Principal Meridian; thence North 00 degrees 58 minutes 29 seconds West, along said line, 660.26 feet; thence North 33 degrees 19 minutes 47 seconds West 6070.28 feet to the North line of the Southeast Quarter of said Section 36; thence North 88 degrees 40 minutes 20 seconds East, along said line, 325.00 feet to the point of beginning. Situated in the County of Winnebago and State of Illinois and containing 79.828 acres.

## NOTICE OF CONSENT DECREE

Winnebago Reclamation Service, Inc., owner in fee simple of the real estate described on Exhibit A which is attached to this Notice (the Real Estate) declares and acknowledges as follows:

1. The Real Estate is subject to the terms of a Consent Decree entered February 10, 1993, in the U.S. District Court for the Northern District of Illinois, Western Division, in the case entitled United States of America vs. Winnebago Reclamation Service, Inc, et al, which is case number 92C20346 (the Consent Decree).

2. The terms of the Consent Decree are incorporated in this Notice by reference as though fully set forth in this document.

3. This Notice and the terms of the Consent Decree shall be deemed to be appurtenant to the Real Estate and shall run with the land and continue in perpetuity.

This instrument has been executed by Winnebago Reclamation Service, Inc., on \_\_\_\_\_, 1993.

Winnebago Reclamation Service, Inc.

By \_\_\_\_\_

Attest:

\_\_\_\_\_

This instrument was acknowledged before me on \_\_\_\_\_, 1993,  
by \_\_\_\_\_ and \_\_\_\_\_  
as the \_\_\_\_\_ and \_\_\_\_\_  
of Winnebago Reclamation Service, Inc.

\_\_\_\_\_  
Notary Public

## **EXHIBIT A**

Part of the East Half (1/2) of Section Thirty-six (36), Township Forty-three (43) North, Range One (1) East of the Third (3rd) Principal Meridian and part of the West Half (1/2) of Section Thirty-one (31), Township Forty-three (43) North, Range Two (2) East of the Third (3rd) Principal Meridian, bounded and described as follows: Beginning at the southwest corner of the East Half of the Northeast Quarter of Section 36, Township 43 North, Range 1 East of the 3rd Principal Meridian; thence North 00 degrees 58 minutes 29 seconds West, along the west line of the East Half of the said Northeast Quarter, a distance of 731.70 feet; thence North 89 degrees 12 minutes 41 seconds East 1537.48 feet to the centerline of Lindenwood Road (County Highway 11A); thence southeasterly, along a non-tangent curve to the left having a center which lies 716.14 feet to the northeast, an arc distance of 111.37 feet (the chord across the previously described circular curve course bears South 47 degrees 50 minutes 59 seconds East 111.26 feet); thence South 52 degrees 18 minutes 16 seconds East, along said centerline, 383.27 feet; thence southeasterly, along said centerline and along a tangential curve to the right having a center which lies 955.00 feet to the southwest, an arc distance of 856.45 feet (the chord across the previously described circular curve course bears South 26 degrees 36 minutes 46 seconds East 828.04); thence South 00 degrees 55 minutes 16 seconds East, along said centerline, 83.52 feet; thence South 69 degrees 32 minutes 02 seconds West 1401.38 feet; thence South 00 degrees 00 minutes 00 seconds East 305.00 feet; thence South 90 degrees 00 minutes 00 seconds West 950.00 feet to the west line of the East Half of the Southeast Quarter of Section 36, Township 43 North, Range 1 East of the 3rd Principal Meridian; thence North 00 degrees 58 minutes 29 seconds West, along said line, 660.26 feet; thence North 33 degrees 19 minutes 47 seconds West 6070.28 feet to the North line of the Southeast Quarter of said Section 36; thence North 88 degrees 40 minutes 20 seconds East, along said line, 325.00 feet to the point of beginning. Situated in the County of Winnebago and State of Illinois and containing 79.828 acres.

## NOTICE REGARDING HAZARDOUS SUBSTANCES

Winnebago Reclamation Service, Inc., the owner in fee simple of the real estate described on Exhibit A which is attached to this Notice (the Real Estate) declares and acknowledges as follows:

1. Notice is hereby given that hazardous substances as defined in the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9601 et seq., have been disposed of on the Real Estate.

2. The United States Environmental Protection Agency makes no representation as to the appropriate use of the Real Estate.

3. The terms of this Notice shall be deemed to be appurtenant to the Real Estate and shall run with the land and continue in perpetuity.

This instrument has been executed by Winnebago Reclamation Service, Inc., on \_\_\_\_\_, 1993.

Winnebago Reclamation Service, Inc.

By \_\_\_\_\_

Attest:

\_\_\_\_\_

This instrument was acknowledged before me on \_\_\_\_\_, 1993,  
by \_\_\_\_\_ and \_\_\_\_\_  
as the \_\_\_\_\_ and \_\_\_\_\_  
of Winnebago Reclamation Service, Inc.

\_\_\_\_\_  
Notary Public

## EXHIBIT A

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## NOTICE TO PROVIDE ACCESS

Winnebago Reclamation Service, Inc., the owner in fee simple of the real estate legally described on Exhibit A (the Real Estate) declares and acknowledges as follows:

1. Winnebago Reclamation Service, Inc., and each successive owner of all or any part of the Real Estate (the Owner) shall provide the United States and the State of Illinois and their representatives, including the United States Environmental Protection Agency and its contractors, access at all reasonable times to the Real Estate and any other property to which access is required for the implementation of the Consent Decree entered February 10, 1993, in the U.S. District Court for the Northern District of Illinois, Western Division, in the case entitled United States vs. Winnebago Reclamation Service, Inc., et. al, case number 92C20346 (the Consent Decree) to the extent access to the property is controlled by Winnebago Reclamation Service, Inc., for the purposes of conducting any activity related to the Consent Decree including, but not limited to:

- a. Monitoring the work performed pursuant to the Consent Decree;
- b. Verifying any data or information submitted to the United States;
- c. Conducting investigations relating to contamination at or near the Real Estate;
- d. Obtaining samples;
- e. Assessing the need for, planning, or implementing additional response actions at or near the Real Estate;
- f. Inspecting and copying records, operating logs, contracts, or other documents maintained or generated by Winnebago Reclamation Service, Inc., or its agents, consistent with the Consent Decree; and
- g. Assessing compliance of Winnebago Reclamation Service, Inc., with the Consent Decree.

2. The terms of this notice shall be deemed to be appurtenant to the Real Estate and shall run with the land and continue in perpetuity.

This instrument has been executed by Winnebago Reclamation Service, Inc., on \_\_\_\_\_, 1993.

Winnebago Reclamation Service, Inc.

By \_\_\_\_\_

Attest:

\_\_\_\_\_

This instrument was acknowledged before me on \_\_\_\_\_, 1993,  
by \_\_\_\_\_ and \_\_\_\_\_  
as the \_\_\_\_\_ and \_\_\_\_\_  
of Winnebago Reclamation Service, Inc.

\_\_\_\_\_  
Notary Public

## **EXHIBIT A**

Part of the East Half (1/2) of Section Thirty-six (36), Township Forty-three (43) North, Range One (1) East of the Third (3rd) Principal Meridian and part of the West Half (1/2) of Section Thirty-one (31), Township Forty-three (43) North, Range Two (2) East of the Third (3rd) Principal Meridian, bounded and described as follows: Beginning at the southwest corner of the East Half of the Northeast Quarter of Section 36, Township 43 North, Range 1 East of the 3rd Principal Meridian; thence North 00 degrees 58 minutes 29 seconds West, along the west line of the East Half of the said Northeast Quarter, a distance of 731.70 feet; thence North 89 degrees 12 minutes 41 seconds East 1537.48 feet to the centerline of Lindenwood Road (County Highway 11A); thence southeasterly, along a non-tangent curve to the left having a center which lies 716.14 feet to the northeast, an arc distance of 111.37 feet (the chord across the previously described circular curve course bears South 47 degrees 50 minutes 59 seconds East 111.26 feet); thence South 52 degrees 18 minutes 16 seconds East, along said centerline, 383.27 feet; thence southeasterly, along said centerline and along a tangential curve to the right having a center which lies 955.00 feet to the southwest, an arc distance of 856.45 feet (the chord across the previously described circular curve course bears South 26 degrees 36 minutes 46 seconds East 828.04); thence South 00 degrees 55 minutes 16 seconds East, along said centerline, 83.52 feet; thence South 69 degrees 32 minutes 02 seconds West 1401.38 feet; thence South 00 degrees 00 minutes 00 seconds East 305.00 feet; thence South 90 degrees 00 minutes 00 seconds West 950.00 feet to the west line of the East Half of the Southeast Quarter of Section 36, Township 43 North, Range 1 East of the 3rd Principal Meridian; thence North 00 degrees 58 minutes 29 seconds West, along said line, 660.26 feet; thence North 33 degrees 19 minutes 47 seconds West 6070.28 feet to the North line of the Southeast Quarter of said Section 36; thence North 88 degrees 40 minutes 20 seconds East, along said line, 325.00 feet to the point of beginning. Situated in the County of Winnebago and State of Illinois and containing 79.828 acres.